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*3/24/06*PTO IDENTIFIER: Application Number 10/645,493-Conf. #8744
Patent Number

Inventor: Maria Ronay

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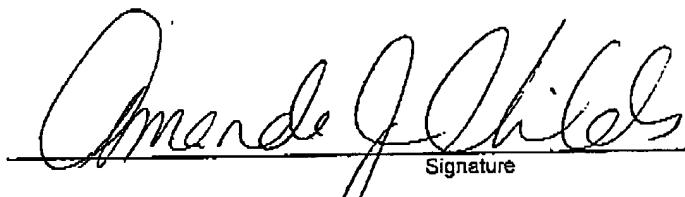
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Docket No.: YOR20030195US1
20140-00304-US1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Maria Ronay

Application No.: 10/645,493

Confirmation No.: 8744

Filed: August 22, 2003

Art Unit: 3723

For: **LOW FRICTION PLANARIZING/POLISHING
PADS AND USE THEREOF**

Examiner: MILLER, Bryan R

REPLY BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a Reply Brief to the Examiner's Answer dated February 2, 2006 under 37 C.F.R. 41.41.

On February 7, 2006, a Notice of Appeal was filed in application serial number 10/618,751. Accordingly, the Related Appeals, Interferences and Judicial Proceedings section should include the following:

The Board's decision in the Appeal in copending application serial number 10/618,751 may possibly directly affect or be directly affected by or have a bearing on the Board's decision in this appeal. However, no decision has been rendered in that application and there are no appeals, interferences, or judicial proceedings other than in serial number 10/618,751 which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

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20140-00304-US1Argument

Certain of the Examiner's comments in the Examiner's Answer that form the foundation of the rejections over Molnar involve a very generous interpretation of Molnar. The interpretation being made in the Examiner's Answer is not from the cited art but instead seems motivated by appellant's own disclosure as the guide through the nonchartered course of the cited art.

For example, on page 3, lines 12-14 of the Examiner's answer, the Examiner states: "Molnar discloses several embodiments of the CMP process and teaches that it is advantageous to provide lubricant and abrasive particles separately to improve finishing control (col. 29, lines 8-11)."

This statement combines suggestions from different portions of the voluminous Molnar specification that are actually not connected and leaves one with an incorrect impression of what Molnar actually suggests. In particular, the teaching mentioned in Molnar that it is advantageous to provide lubricant and abrasive particles separately to improve finishing control only refers to the situation when the abrasive and lubricant are each in a finishing composition (e.g. - slurry) not in a finishing element (e.g. - pad). To properly understand the discussion at column 29, lines 8-11, it is essential to take into account the discussion beginning at column 28, line 62 which states as follows:

Supplying lubricants in a fluid finishing composition generally offers improved control of lubrication at the operative finishing interface. Both the concentration and the feed rate of the lubricant can be controlled. If the lubricants are supplied in a first finishing composition free of abrasives and abrasives are supplied in a second finishing composition, then the lubricants, preferably organic lubricants, can be controlled separately and independently from any supplied abrasive. If the lubricants are supplied in a first finishing composition free of abrasives and abrasives are supplied in the finishing element finishing surface, then the lubricants, preferably lubricants, can be again controlled separately and independently from any supplied abrasive. Supplying lubricant separately and independently of the abrasive to the operative finishing interface is preferred because this improves finishing control.

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Accordingly, the Examiner has taken this suggestion in Molnar out of context. The Examiner goes on to state that Molnar discloses that a preferred type of lubricant is one that can be included in the finishing element (polishing pad) such as a solid lubricant (col. 29, lines 12-23). See page 3, lines 12-14. Here again, the Examiner has chosen to give a less than complete discussion of Molnar who states at column 29, lines 21-23 that “a lubricant selected from the group consisting of liquid and solid lubricants and mixtures thereof is a preferred lubricant” (emphasis added). In other words, the Examiner has conveniently omitted the reference to liquid lubricants.

The Examiner in order to arrive at the present invention being “inherent” has then relied upon the above misinterpretations and states at page 3, last sentence:

In view of the disclosure, it is inherent that the abrasive would be provided in a polishing slurry when the solid lubricant is included in the polishing pad because it is preferred to supply the lubricant and abrasive separately.

Also contrary to the assertions in the Examiner’s Answer, no specific polishing pad is explicitly disclosed by Molnar that consists essentially of a polymeric matrix and solid lubricant particles.

At page 12, lines 5-8 of the Examiner’s answers, the Examiner states:

Immediately following the cited passage, Molnar discloses several situations wherein the solid lubricant is provided in the polishing pad (col. 29, lines 12-47) including the specific example, discussed supra, regarding the first argument. Therefore, it clearly would be inherent, in view of the cited passage, that providing the abrasive in a slurry when the lubricant is provided in the polishing pad will be the only way to separately and independently control the lubricant and abrasive.

The Examiner, again neglects to point out that the passage of Molnar mentioned likewise contemplates using liquid lubricants as well as solid lubricants.

On page 13, lines 7-10 of the Examiner’s answer, the Examiner states “However, as discussed supra, Molnar discloses several specific examples and teachings relevant to those specific examples that specifically anticipate the applicant’s claimed invention.”

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Contrary to this statement, no specific example exists in Molnar that contains a polishing pad a recited in the present claims.

Concerning the rejection of claim 32 over Molnar in view of Chiddick, the Examiner agrees with appellant and appreciates that Chiddick is in an "unrelated art." Moreover, no motivation exists for combining Chiddick with Molnar.

CONCLUSION

In view of the above comments and our Brief, it is abundantly clear that the Primary Examiner has erred in the rejection of claims 17-36. Accordingly, it is requested that the Board reverse the Examiner's decision and allow the rejected claims 17-36

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0510, under Order No. 20140-00304-US1 from which the undersigned is authorized to draw.

Dated: 3-23-06

Respectfully submitted,

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